

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**KATHERINE BARTOL,**  
**Plaintiff**

**v.**

**DAUPHIN COUNTY d/b/a DAUPHIN  
COUNTY JUDICIAL CENTER  
BOOKING FACILITY PRISON, et al.,**  
**Defendants**

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**No. 1:21-cv-00180**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 27th day of June 2022, upon consideration of the motion to dismiss filed by Defendants Andrew Burkins and Scott Grieb (“Moving Defendants”) (Doc. No. 35), as well as Plaintiff Katherine Bartol (“Plaintiff”)’s motion for leave to file a surreply (Doc. No. 40), and in accordance with the Memorandum entered concurrently with this Order, **IT IS**

**ORDERED THAT:**

1. The Moving Defendants’ motion to dismiss (Doc. No. 35) is **GRANTED IN PART** as follows:
  - a. Count I of Plaintiff’s amended complaint, to the extent Plaintiff asserts a procedural due process claim pursuant to 42 U.S.C. § 1983, is **DISMISSED WITH PREJUDICE**;
  - b. Count II of Plaintiff’s amended complaint, asserting a Fourth Amendment equal protection claim pursuant to 42 U.S.C. § 1983, is **DISMISSED WITHOUT PREJUDICE**. Plaintiff may file a second amended complaint, within thirty (30) days of the date of this Order, and only as to Count II of her amended complaint, correcting the pleading deficiencies identified in the Memorandum issued concurrently with this Order;
  - c. Count IV of Plaintiff’s amended complaint, asserting a conspiracy claim pursuant to 42 U.S.C. § 1985, is **DISMISSED WITH PREJUDICE**;<sup>1</sup>

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<sup>1</sup> The counts that remain as against the Moving Defendants are Count I (to the extent Plaintiff asserts violations of her substantive due process rights) and Counts III, VI, and VII. Count V asserts claims against Dauphin County only.

- d. The Moving Defendants' motion to dismiss is denied in all other respects. The counts that remain as against the Moving Defendants are Count I (to the extent Plaintiff asserts violations of her substantive due process rights) and Counts III, VI, and VII; and
2. Plaintiff's motion for leave to file a surreply (Doc. No. 40) is **DENIED**.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania